

U.S. Patent Application No. 09/483,537
 Response to Office Action mailed October 22, 2003

REMARKS/ARGUMENTS

Rejection of Claims 27, 29, and 31 Under 35 U.S.C. §103(a)

Claims 27, 29, and 31 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kemp, "Discover Debuts Its First Platinum Card," DM News, 1999 in view of Longfield (U.S. Patent No. 5,724,523.) The rejection is respectfully traversed.

The Applicant respectfully asserts that Kemp in view of Longfield does not disclose all of the elements of the claimed present invention. The Applicant respectfully asserts that the assignment of the tax refund and the issuance of a spending vehicle as described in the present application and as claimed in pending claims 27, 29, and 31 is not disclosed nor rendered obvious by the teachings of Kemp or Longfield, either alone or in combination.

The Examiner cites Longfield for a teaching of an electronic income tax refund system utilizing the tax refund to underwrite issuance of a secured credit card. With respect to the Examiner's assertion, the Applicant kindly asserts that the secured credit card described in Longfield has no value as compared to the value of the spending vehicle of the present invention as claimed. Longfield's secured credit card is provided with a line of credit related to a certificate of deposit that is funded by the tax refund. The value of the tax refund (or a portion thereof) in Longfield is not available for spending by the tax filer/cardholder. In contrast, the spending vehicle of the present application has a value in an amount that is based upon a value of the assignment of the right to receive a payment related to a tax refund. As a result, Kemp in view of Longfield does not describe nor teach all of the elements claimed in the present application. At least in this respect, the Applicant contends that Kemp in view of Longfield does not disclose every element and limitation of the claimed present invention.

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More specifically, Longfield discloses a system for processing a loan application in conjunction with filing an electronic tax return so that an electronic deposit/loan account is created for the tax filer. According to Longfield, the deposit/loan account that may be established for the taxpayer allows the taxpayer to obtain a loan or a credit card that is secured by a tax refund as collateral. In either scenario offered by Longfield, the tax refund is pledged against the performance of the obligation of a loan/line of credit. With respect to the operation of the secured credit card described in Longfield, he states, "IRS approval of the tax refund also triggers creation of a Certificate of Deposit at a bank. That bank can be the same one that issued the credit card or it may be a separate bank as illustrated in FIG. 2. The Certificate of Deposit is typically established for a period such as eighteen months and for an amount corresponding to the credit limit on the secured credit card. This Certificate guarantees payment to the credit card issuer should the credit card user fail to pay off his charges when due and payable." (See Longfield at Column 6, Lines 37 - 46.) In essence, the secured credit card is merely a revolving line of credit that is collateralized by some portion of an IRS tax refund. If the secured credit card is used in a chargeable transaction by a tax filer/cardholder, the tax filer/cardholder is responsible for paying the value of the chargeable transaction to the credit card issuer. The secured credit card does not carry a usable balance or value that can be readily accessed for spending without incurring an obligation to pay it back.

At least in this respect, the Applicant contends that Kemp in view of Longfield does not disclose every element and limitation of the claimed present invention. As a result, the Applicant respectfully asserts that the Examiner's rejection with respect to independent claim 27 of the present application may be withdrawn. In addition, the Applicant respectfully

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submits that by distinguishing independent claim 27, the outstanding rejection to dependent claims 29 and 31 may also be properly withdrawn.

CONCLUSION

After restriction requirements and an election of species, claims 27, 29, and 31 are pending in the present application. The Applicant has distinguished the present invention from the references cited by the Examiner.

In light of the foregoing remarks, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

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By: Robert G. Hall
Robert G. Hall
Registration No. 51,099
Standley Law Group LLP
495 Metro Place South
Suite 210
Dublin, Ohio 43017-5319
Telephone: (614) 792-5555
Facsimile: (614) 792-5536